



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,935	12/02/2002	Roger Lavallee	P00617-US1	6462

3017 7590 12/04/2003

BARLOW, JOSEPHS & HOLMES, LTD.  
101 DYER STREET  
5TH FLOOR  
PROVIDENCE, RI 02903

EXAMINER

NGUYEN, PHUNG

ART UNIT	PAPER NUMBER
----------	--------------

2632

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/065,935

Applicant(s)

LAVALLEE, ROGER

Examiner

Phung T Nguyen

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 December 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (U.S. Pat. 5,451,927) in view of Jansky et al. (U.S. Pat. 4,881,655).

**Regarding claim 1:** Thompson discloses an automotive fuel filler pipe cap detection system comprising a filler cap 14, a tank 10, ratchet means connected to the fuel cap for controlling tightening of the fuel cap to the tank connection pipe as shown in figures 1 and 2, col. 2, lines 38-68. The device of Thompson uses the pressure switch 20 to sense vacuum pressure in line 16 and have an electrical connection 24 which leads to a means for lighting a "fuel cap missing" indicator, figure 1, col. 3, lines 19-39. Thompson does not show a magnetic switch connected to the tank connection pipe and means for sensing abrupt movement of the magnet relative to the magnetic switch. However, Jansky et al. disclose a self-closing fuel tank seal comprising a magnetic switch 23 and the permanent magnet 22 to trigger a magnetic valve depending on opening or closing the filler cap 9 as shown in figure 4, col. 7, lines 27-35. Therefore, it would have been obvious to one of ordinary skill in the art to utilize the teaching of Jansky et al. into the system of Thompson for detecting the presence or absence of an automotive fuel filler pipe cap because it would be an advantage to use the magnetic switch which requires of a lesser space and easier than of the pressure sensor.

**Regarding claim 2:** Jansky et al. disclose the magnetic switch is a reed switch (col. 3, lines 49-54).

**Regarding claim 3:** Jansky et al. disclose the reed switch is a form A, normally open, reed switch (figure 4, col. 7, lines 27-30).

**Regarding claim 4:** Jansky et al. disclose the magnetic switch is embedded within the wall of the tank connection pipe as seen in figure 4.

**Regarding claim 5:** Thompson discloses the fuel cap includes male threading engageable with female threading on an interior surface of the wall of the tank connection pipe (col. 2, lines 67-68).

**Regarding claim 6:** All the claim subject matter is already discussed in respect to claim 1 above.

***Allowable Subject Matter***

3. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Brace et al. [U.S. Pat. 4,319,236] disclose a Hall effect position detector.
- b. Bae [U.S. Pat. 6,234,557] discloses an automobile filler cap assembly.
- c. Matsushita [U.S. Pat. 4,583,072] discloses a device for checking filler cap installation.

Art Unit: 2632

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 703-308-6252. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 703-308-6730. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Examiner: Phung Nguyen

A handwritten signature in black ink, appearing to read 'Phung Nguyen', followed by a horizontal line.

Date: November 25, 2003